Court File No.

IN THE FEDERAL COURT OF CANADA

IN THE TRIAL DIVISION

B E T W E E N:

GLAD DAY BOOKSHOP INC. and
JEARLD MOLDENHAUER

Applicants

- and -

HER MAJESTY THE QUEEN,
MINISTER of NATIONAL REVENUE and
DEPUTY MINISTER of NATIONAL REVENUE for
CUSTOMS and EXCISE

Respondents

MOTION RECORD

ILER, CAMPBELL & ASSOCIATES
150 Simcoe Street
Toronto, Ontario
M5H 3G4

(416) 598-0103

Charles Campbell
Solicitor for the Applicants

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Court File No.

IN THE **FEDERAL COURT OF CANADA**

IN THE TRIAL DIVISION

B E T W E E N:

GLAD DAY BOOKSHOP INC. and
JEARLD MOLDENHAUER

Applicants

- and -

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DEPUTY MINISTER of NATIONAL REVENUE for
CUSTOMS and EXCISE

Respondents

A F F I D A V I T

I, JEARLD MOLDENHAUER, of the City of Toronto in the Municipality of Metropolitan Toronto, MAKE OATH AND SAY:

1. I am the owner and operator of Glad Day Bookshop Inc. located in the City of Toronto.

2. Glad Day is the principal bookstore in the gay community in Toronto. I have been the owner and operator for 19 years. We carry a full range of books and magazines of interest to the gay and lesbian community from scholarly works, fiction, non-fiction

and erotica.

3. We have regularly imported books and magazines from the United States and elsewhere for sale in the store. They are typically shipped through Customs addressed care of the store or to the attention of individual staff members of the store.

4. Attached to this my affidavit and marked as indicated below are a series of Notices of Decision received from Canadian Customs with respect to certain seizures for alleged obscenity:

Exhibit "A" - November 29, 1988 - CO 7013
Exhibit "B" - November 30, 1988 - CO 7025
Exhibit "C" - December 5, 1988 - CO 7044
Exhibit "D" - December 5, 1988 - CO 7045
Exhibit "E" - December 8, 1988 - CO 7066

5. On April 7, 1989, I filed appeals from these decisions to the Deputy Minister of Customs and Excise pursuant to the provisions of the Customs Act and Regulations. There has been no decision on that appeal to this date. Attached to this my affidavit and marked as Exhibit "F" is a true copy of my submissions filed with the Deputy Minister on this appeal.

6. I am advised by Margaret Gillis, the Manager of the Prohibited Importations Unit of Canada Customs, that the appeal was referred by their office to the Department of Justice before being sent to the Deputy Minister for his decision. In a number of conversations with her, she has advised me that no decision has yet been made.

7. Attached to this my affidavit and marked as the Exhibits indicated below are true copies of the Notices of Decision regarding certain further seizures by the Department:

Exhibit "G" - August 2, 1989 - CO 0961

Exhibit "H" - August 2, 1989 - CO 0964

Exhibit "I" - August 2, 1989 - CO 0965

Exhibit "J" - August 2, 1989 - CO 0966

Exhibit "K" - August 2, 1989 - CO 0967

Exhibit "L" - October 3, 1989 - CO 1763

Exhibit "M" - October 4, 1989 - CO 1804

Exhibit "N" - October 4, 1989 - CO 1805

Exhibit "O" - October 4, 1989 - CO 1806

8. Margaret Gillis is the official who has custody of the seized material under the Customs Act at this time and is responsible for the continued detention.

9. By agreement with Margaret Gillis, no appeal has yet been filed from the Notices of Detention Exhibits "G" through "O". This was done without prejudice to our right to file appeals in these matters subsequent to the decision in the November/December 1988 seizures. She asserted, and I agreed, that many of the same books/magazines recurred in the successive shipments. She took the position in our oral conversations as I understood it that the first decision would govern the decision regarding the subsequent books.

10. Attached to this my affidavit and marked as Exhibit "P" is a true copy of a Notice of Detention with respect to a seizure August 10, 1989, FE 1017. This is the largest single seizure in this sequence. With respect to these books, there has not even been a decision made from which we could appeal. (Note that the form used by the Department is the same for the initial detention by Customs officials and the decision by Customs officials to detain the goods. The latter decision entails giving reasons by checking off a box).

11. Whatever the decision regarding the purported obscenity of the materials in question, the delays in determining the position of the Minister are financially prejudicial to my business operation. I have to pay for the books and magazines within 30

This is Exhibit E referred to in the affidavit of Jeanette Moldenhauer sworn before me, this 25th day of October 1989.

G Heddema

A COMMISSIONER FOR TAKING AFFIDAVITS

GERARDUS YSAAK WILFRED HEDDEMA,
a Commissioner, etc., Province of Ontario,
while a Student-at-Law.
Expires September 8, 1992.

days of billing when they are purchased from American distributors. (I estimate the value of the detained material herein described at a wholesale value of $5,000.00). Some of the titles involve time dated material and by the time decisions are made, will have lost their retail value. I am further concerned that it may damage my business relations with American distributors to try and return material to them one year after purchase should the Minister at this point determine that the material is obscene. They will probably refuse to take back the goods at this stage, especially if they even are slightly physically damaged through the ordeal.

12. As important is the fact that the cumulative effect of the delays is an infringement of the rights of free speech and expression of myself as a book dealer and of my customers and myself and my customers as readers.

13. The delays at the ministerial level are the first phase of delay in the determination of purported obscenity. We are not even able to exercise our rights of appeal under the Act until the Minister has made a determination. It took many months, even after the Minister's determination before the case could be determined at the trial level. We have previously successfully appealed the decision of the Minister regarding the book "The Joy of Gay Sex".

14. I make this affidavit in support of this application for an immediate release of the books in question and for no improper purpose.

SWORN before me at the City of)
)
Toronto in the Municipality of)
)
Metropolitan Toronto on 25th)
)
day of October, 1989.)

A Commissioner, etc.

GERARDUS YSAAK WILFRED HEDDEMA,
a Commissioner, etc., Province of Ontario,
while a Student-at-Law.
Expires September 8, 1992.

GERALD MOLDENHAUER
JEARLD
GH GH

Court File No.

IN THE **FEDERAL COURT OF CANADA**

IN THE TRIAL DIVISION

B E T W E E N:

GLAD DAY BOOKSHOP INC. and
JEARLD MOLDENHAUER

Applicants

- and -

HER MAJESTY THE QUEEN,
MINISTER of NATIONAL REVENUE and
DEPUTY MINISTER of NATIONAL REVENUE
for CUSTOMS and EXCISE

Respondents

A F F I D A V I T

ILER, CAMPBELL AND ASSOCIATES
Barristers and Solicitors
150 Simcoe Street
Toronto, Ontario
M5H 3G4

(416) 598-0103

CHARLES CAMPBELL
Solicitor for the Applicants

This is Exhibit .....A..... referred to in the affidavit of Jean-Id Moldenhauer sworn before me, this 25th day of October 1939.

A COMMISSIONER FOR TAKING AFFIDAVITS

GERARDUS YSAAK WILFRED HEDDEMA,
a Commissioner, etc., Province of Ontario,
while a Student-at-Law.
Expires September 8, 1992.

Customs and Excise Douanes et Accise

Canada

NOTICE OF DETENTION/DETERMINATION
AVIS DE RETENUE OU DE CLASSEMENT TARIFAIRE

9956

Importer / Importateur

JAMES McPHEE
P.O. BOX 764 STN "F."
TORONTO M4Y 2N6

Regional Control No. / N° de contrôle régional	3730-2/64T 2972
Point of Entry / Bureau d'entrée	INTL MAIL.
Point of Entry Control No. / N° de contrôle du bureau d'entrée	C07013
Date	NOV 29/1988.

PART A — NOTICE OF DETENTION

The following goods have been detained for a determination of tariff classification. Once a determination has been made, you will be notified in writing.

PARTIE A — AVIS DE RETENUE

Les marchandises désignées ci-après ont été retenues aux fins du classement tarifaire. Nous vous aviserons par écrit du classement effectué

Description of goods / Désignation des marchandises

20 COPIES @ "MEATMEN CONTINUES" VOL. 4

10 COPES @ "MORE MEATMEN" VOL. 2

Exporter / Exportateur

INLAND BOOK CO., 257 BRADLEY ST., P.O. BX 261 EAST HAVEN CONN.

PART B — NOTICE OF DETERMINATION

The following goods have been examined and their importation into Canada is prohibited under the provisions of s. 114 of the Customs Tariff and code 9956 of Schedule VII.

2 Books Held

PARTIE B — AVIS DE CLASSEMENT TARIFAIRE

Après examen des marchandises désignées ci-après, il a été établi que leur importation au Canada est prohibée en vertu de l'article 114 du Tarif des douanes et du code 9956 de l'annexe VII.

This represents a determination pursuant to section 58 of the Customs Act. Your rights respecting this determination are set out on the reverse of this form.

Cette décision constitue un classement aux termes de l'article 58 de la Loi sur les douanes. Vos droits concernant ce classement sont énoncés au verso de la présente formule.

Customs Officer / Agent des douanes

Title / Titre

Dec. 6/88.
Date of Determination / Date du classement

The following goods have been examined and their importation into Canada is admissible.

Après examen, il a été établi que les marchandises désignées ci-après sont admissibles au Canada.

Please contact Canada Customs at the point of entry to make arrangements for the payment of duties on the admissible goods.

Veuillez communiquer avec les douanes canadiennes au bureau d'entrée afin de prendre des arrangements pour le paiement des droits.

	Film	Type / Genre	Length / Longueur	Videotape / Ruban magnétoscopique	Format	Time / Durée
		mm				

SECTION 1

9956

- [X] Book / Livre
- [ ] Magazine / Magazine
- [ ] Comic / Bande dessinée
- [ ] Record / Disque
- [ ] Audiotape / Bande auditive
- [ ] Playing Cards / Jeu de cartes
- [ ] Advertisement / Publicité
- [ ] Photograph / Photographie
- [ ] Booklet / Livret
- [ ] Brochure / Dépliant
- [ ] Other / Autre

Mode of Transport / Mode de transport

Were goods declared? / Les marchandises ont-elles été déclarées? [ ] Yes / Oui [ ] No / Non

If not declared, mode of concealment / Si non déclarées, mode de dissimulation

SECTION 2

Classification (Memorandum D9-1-1)

- [ ] a) Sex With Violence / Violence sexuelle
- [ ] b) Child Sex / Pornographie enfantine
- [ ] c) Incest / Inceste
- [ ] d) Bestiality / Bestialité
- [ ] e) Necrophilia / Nécrophilie
- [ ] f) Hate Propaganda / Propagande haineuse
- [X] g) Anal Penetration / Pénétration anale
- [X] h) Other / Autre DERRADATION

Title / Titre

Quantity / Quantité

Date of Appeal / Date d'appel	Date sent to H.Q. / Date envoyé à l'A.C.	Disposition

Continuation Sheet / Feuille supplémentaire [ ] Yes / Oui [ ] No / Non

DEPARTMENT OF NATIONAL REVENUE – CUSTOMS AND EXCISE

MINISTERE DU REVENU NATIONAL – DOUANES ET ACCISE

K 27 (9/88)

2 — CONSIGNEE/CONSIGNATAIRE

This is Exhibit .....D..... referred to in the affidavit of ...Jearld Moldenhauer... sworn before me, this ....25th..... day of .....October..... 1989.

.....
A COMMISSIONER FOR TAKING AFFIDAVITS

GERARDUS YSAAK WILFRED HEDDEMA,
a Commissioner, etc., Province of Ontario,
while a Student-at-Law
Expires September 8, 1992.

Customs and Excise Douanes et Accise

Canada

NOTICE OF DETENTION/DETERMINATION
AVIS DE RETENUE OU DE CLASSEMENT TARIFAIRE

9956

Importer / Importateur

JAMES McPHEE
P O Box 764 STATION F
TORONTO - ONT
M4Y 2N6

Regional Control No. / N° de contrôle régional 3730-2/64T. 2986

Point of Entry / Bureau d'entrée INT'L MAIL

Point of Entry Control No. / N° de contrôle du bureau d'entrée CO 7025

Date NOV. 30. 88

PART A — NOTICE OF DETENTION / PARTIE A — AVIS DE RETENUE

The following goods have been detained for a determination of tariff classification. Once a determination has been made, you will be notified in writing.

Les marchandises désignées ci-après ont été retenues aux fins du classement tarifaire. Nous vous aviserons par écrit du classement effectué.

Description of goods / Désignation des marchandises

15 BOOKS — "WHEN I WAS 18" PROHIBITED
15 BOOKS — "MEATMEN CONTINUES" VOL. 4 - PROHIBITED

Exporter / Exportateur

INLAND BOOK CO. - 254 BEASLEY ST. P.O. BOX 261 - EAST HAVEN - CT.

PART B — NOTICE OF DETERMINATION / PARTIE B — AVIS DE CLASSEMENT TARIFAIRE

The following goods have been examined and their importation into Canada is prohibited under the provisions of s. 114 of the Customs Tariff and code 9956 of Schedule VII.

Après examen des marchandises désignées ci-après, il a été établi que leur importation au Canada est prohibée en vertu de l'article 114 du Tarif des douanes et du code 9956 de l'annexe VII.

2 Books held

This represents a determination pursuant to section 58 of the Customs Act. Your rights respecting this determination are set out on the reverse of this form.

Cette décision constitue un classement aux termes de l'article 58 de la Loi sur les douanes. Vos droits concernant ce classement sont énoncés au verso de la présente formule.

Customs Officer / Agent des douanes

Commodity Specialist
Title / Titre

Dec. 7/88
Date of Determination / Date du classement

The following goods have been examined and their importation into Canada is admissible.

Après examen, il a été établi que les marchandises désignées ci-après sont admissibles au Canada.

Please contact Canada Customs at the point of entry to make arrangements for the payment of duties on the admissible goods.

Veuillez communiquer avec les douanes canadiennes au bureau d'entrée afin de prendre des arrangements pour le paiement des droits.

	Film	Type / Genre mm	Length / Longueur	Videotape / Ruban magnétoscopique	Format	Time / Durée

SECTION 1

9956

- [X] Book / Livre
- [ ] Magazine / Magazine
- [ ] Comic / Bande dessinée
- [ ] Record / Disque
- [ ] Audiotape / Bande auditive
- [ ] Playing Cards / Jeu de cartes
- [ ] Advertisement / Publicité
- [ ] Photograph / Photographie
- [ ] Booklet / Livret
- [ ] Brochure / Dépliant
- [ ] Other / Autre

Mode of Transport / Mode de transport: MAIL

Were goods declared? / Les marchandises ont-elles été déclarées? [X] Yes / Oui [ ] No / Non

If not declared, mode of concealment / Si non déclarées, mode de dissimulation

SECTION 2

Classification (Memorandum D9-1-1)

- [ ] a) Sex With Violence / Violence sexuelle
- [ ] b) Child Sex / Pornographie enfantine
- [ ] c) Incest / Inceste
- [ ] d) Bestiality / Bestialité
- [ ] e) Necrophilia / Nécrophilie
- [ ] f) Hate Propaganda / Propagande haineuse
- [X] g) Anal Penetration / Pénétration anale
- [ ] h) Other / Autre

Title / Titre

Quantity / Quantité

Date of Appeal / Date d'appel	Date sent to H.Q. / Date envoyé à l'A.C.	Disposition

Continuation Sheet / Feuille supplémentaire [ ] Yes / Oui [ ] No / Non

DEPARTMENT OF NATIONAL REVENUE — CUSTOMS AND EXCISE

MINISTERE DU REVENU NATIONAL — DOUANES ET ACCISE

K 27 (9/88)

2 — CONSIGNEE/CONSIGNATAIRE

This is Exhibit .....C..... referred to in the affidavit of Jeanld Moldenhauer sworn before me, this .....25th..... day of .....October..... 19.89

.....
A COMMISSIONER FOR TAKING AFFIDAVITS

GERARDUS YSAAK WILFRED HEDDEMA,
a Commissioner, etc., Province of Ontario,
while a Student-at-Law.
Expires September 8, 1992.

Revenue Canada Customs and Excise | Revenu Canada Douanes et Accise

Canada

NOTICE OF DETENTION/DETERMINATION
AVIS DE RETENUE OU DE CLASSEMENT TARIFAIRE

9956

Importer / Importateur

JAMES McPHEE
P.O. BOX 764 STATION 'F'
TOR. ONT. M4Y 2N6

Regional Control No. / N° de contrôle régional: 3730-2/64T-2962.
Point of Entry / Bureau d'entrée: INTL MAIL
Point of Entry Control No. / N° de contrôle du bureau d'entrée: CO 7044
Date: DEC. 5, 1988

PART A — NOTICE OF DETENTION

The following goods have been detained for a determination of tariff classification. Once a determination has been made, you will be notified in writing.

PARTIE A — AVIS DE RETENUE

Les marchandises désignées ci-après ont été retenues aux fins du classement tarifaire. Nous vous aviserons par écrit du classement effectué.

Description of goods / Désignation des marchandises

10 X 'ORGASMS VOL TWO' | 10X 'LUST
10 X 'HOT ACTS'.

Exporter / Exportateur

INLAND BOOK Co. 254 BRADLEY ST. P.O. BOX 261 E. HAVEN CT 06512

PART B — NOTICE OF DETERMINATION

The following goods have been examined and their importation into Canada is prohibited under the provisions of s. 114 of the Customs Tariff and code 9956 of Schedule VII.

3 Books held

PARTIE B — AVIS DE CLASSEMENT TARIFAIRE

Après examen des marchandises désignées ci-après, il a été établi que leur importation au Canada est prohibée en vertu de l'article 114 du Tarif des douanes et du code 9956 de l'annexe VII.

This represents a determination pursuant to section 58 of the Customs Act. Your rights respecting this determination are set out on the reverse of this form.

Cette décision constitue un classement aux termes de l'article 58 de la Loi sur les douanes. Vos droits concernant ce classement sont énoncés au verso de la présente formule.

Customs Officer / Agent des douanes	Title / Titre	Date of Determination / Date du classement
[signature]	Comm. Spec.	Dec. 6/88

The following goods have been examined and their importation into Canada is admissible.

Après examen, il a été établi que les marchandises désignées ci-après sont admissibles au Canada.

Please contact Canada Customs at the point of entry to make arrangements for the payment of duties on the admissible goods.

Veuillez communiquer avec les douanes canadiennes au bureau d'entrée afin de prendre des arrangements pour le paiement des droits.

	Film	Type / Genre (mm)	Length / Longueur	Videotape / Ruban magnétoscopique	Format	Time / Durée

SECTION 1

9956

- [X] Book / Livre
- [ ] Magazine / Magazine
- [ ] Comic / Bande dessinée
- [ ] Record / Disque
- [ ] Audiotape / Bande auditive
- [ ] Playing Cards / Jeu de cartes
- [ ] Advertisement / Publicité
- [ ] Photograph / Photographie
- [ ] Booklet / Livret
- [ ] Brochure / Dépliant
- [ ] Other / Autre

Mode of Transport / Mode de transport: MAIL.

Were goods declared? / Les marchandises ont-elles été déclarées? [✓] Yes / Oui [ ] No / Non

If not declared, mode of concealment / Si non déclarées, mode de dissimulation

SECTION 2

Classification (Memorandum D9-1-1)

- [ ] a) Sex With Violence / Violence sexuelle
- [ ] b) Child Sex / Pornographie enfantine
- [ ] c) Incest / Inceste
- [ ] d) Bestiality / Bestialité
- [ ] e) Necrophilia / Nécrophilie
- [ ] f) Hate Propaganda / Propagande haineuse
- [✓] g) Anal Penetration / Pénétration anale
- [✓] h) Other / Autre: BONDAGE DEGRADATION

Title / Titre

Quantity / Quantité

Date of Appeal / Date d'appel	Date sent to H.Q. / Date envoyé à l'A.C.	Disposition

Continuation Sheet / Feuille supplémentaire: [ ] Yes / Oui [ ] No / Non

DEPARTMENT OF NATIONAL REVENUE – CUSTOMS AND EXCISE

MINISTÈRE DU REVENU NATIONAL – DOUANES ET ACCISE

K 27 (9/88)

2 — CONSIGNEE/CONSIGNATAIRE

This is Exhibit .....D..... referred to in the affidavit of ...Jearld Moldenhauer sworn before me, this ...25th... day of ...October... 19.89.

.....
A COMMISSIONER FOR TAKING AFFIDAVITS

GERARDUS YSAAK WILFRED HEDDEMA,
a Commissioner, etc., Province of Ontario,
while a Student-at-Law.
Expires September 8, 1992.

Revenue Canada Customs and Excise | Revenu Canada Douanes et Accise

Canada

NOTICE OF DETENTION/DETERMINATION
AVIS DE RETENUE OU DE CLASSEMENT TARIFAIRE

9956

Importer / Importateur

JAMES McPHEE
P.O. BOX 764 STATION 'F'
TOR. ONT M4Y 2N6

Regional Control No. / N° de contrôle régional: 3730-2/64T2963

Point of Entry / Bureau d'entrée: INT'L MAIL.

Point of Entry Control No. / N° de contrôle du bureau d'entrée: C07045

Date: DEC. 5, 1988

PART A — NOTICE OF DETENTION

The following goods have been detained for a determination of tariff classification. Once a determination has been made, you will be notified in writing

PARTIE A — AVIS DE RETENUE

Les marchandises désignées ci-après ont été retenues aux fins du classement tarifaire. Nous vous aviserons par écrit du classement effectué

Description of goods / Désignation des marchandises

20X "HUMONGOUS VOLS"
10X "MEATMEN CONTINUES VOL 4"

Exporter / Exportateur

INLAND BOOKS CO. 254 BRADLEY ST. P.O. BOX 261 E. HAVEN CT. 06512

PART B — NOTICE OF DETERMINATION

The following goods have been examined and their importation into Canada is prohibited under the provisions of s. 114 of the Customs Tariff and code 9956 of Schedule VII.

2 Books held

PARTIE B — AVIS DE CLASSEMENT TARIFAIRE

Après examen des marchandises désignées ci-après, il a été établi que leur importation au Canada est prohibée en vertu de l'article 114 du Tarif des douanes et du code 9956 de l'annexe VII.

This represents a determination pursuant to section 58 of the Customs Act. Your rights respecting this determination are set out on the reverse of this form.

Cette décision constitue un classement aux termes de l'article 58 de la Loi sur les douanes. Vos droits concernant ce classement sont énoncés au verso de la présente formule.

Customs Officer / Agent des douanes

Comm. Spec.
Title / Titre

Dec. 6/88
Date of Determination / Date du classement

The following goods have been examined and their importation into Canada is admissible.

Après examen, il a été établi que les marchandises désignées ci-après sont admissibles au Canada.

Please contact Canada Customs at the point of entry to make arrangements for the payment of duties on the admissible goods.

Veuillez communiquer avec les douanes canadiennes au bureau d'entrée afin de prendre des arrangements pour le paiement des droits.

	Film	Type / Genre	Length / Longueur	Videotape / Ruban magnétoscopique	Format	Time / Durée
		mm				

SECTION 1

9956

- [ ] Book / Livre
- [ ] Magazine / Magazine
- [ ] Comic / Bande dessinée
- [ ] Record / Disque
- [ ] Audiotape / Bande auditive
- [ ] Playing Cards / Jeu de cartes
- [ ] Advertisement / Publicité
- [ ] Photograph / Photographie
- [ ] Booklet / Livret
- [ ] Brochure / Dépliant
- [ ] Other / Autre

Mode of Transport / Mode de transport: MAIL.

Were goods declared? / Les marchandises ont-elles été déclarées? [✓] Yes / Oui [ ] No / Non

If not declared, mode of concealment / Si non déclarées, mode de dissimulation

SECTION 2

Classification (Memorandum D9-1-1)

- [ ] a) Sex With Violence / Violence sexuelle
- [ ] b) Child Sex / Pornographie enfantine
- [ ] c) Incest / Inceste
- [ ] d) Bestiality / Bestialité
- [ ] e) Necrophilia / Nécrophilie
- [ ] f) Hate Propaganda / Propagande haineuse
- [✓] g) Anal Penetration / Pénétration anale
- [ ] h) Other / Autre

Title / Titre

Quantity / Quantité

Date of Appeal / Date d'appel	Date sent to H.Q. / Date envoyé à l'A.C.	Disposition

Continuation Sheet / Feuille supplémentaire [ ] Yes / Oui [ ] No / Non

DEPARTMENT OF NATIONAL REVENUE — CUSTOMS AND EXCISE

MINISTÈRE DU REVENU NATIONAL — DOUANES ET ACCISE

K 27 (9/88)

2 — CONSIGNEE/CONSIGNATAIRE

Revenue Canada Customs and Excise | Revenu Canada Douanes et Accise

Canada

NOTICE OF DETENTION/DETERMINATION
AVIS DE RETENUE OU DE CLASSEMENT TARIFAIRE

9956

Importer / Importateur

JAMES MCPHEE
P.O. BOX 764 STN. "F"
TORONTO M4Y 2N6

Regional Control No. / N° de contrôle régional	3730-2/64T-3011
Point of Entry / Bureau d'entrée	INT'L MAIL
Point of Entry Control No. / N° de contrôle du bureau d'entrée	C07066
Date	DEC 8' 88.

PART A — NOTICE OF DETENTION / PARTIE A — AVIS DE RETENUE

The following goods have been detained for a determination of tariff classification. Once a determination has been made, you will be notified in writing.

Les marchandises désignées ci-après ont été retenues aux fins du classement tarifaire. Nous vous aviserons par écrit du classement effectué.

Description of goods / Désignation des marchandises

1 MAGAZINE KAKE "VIOLENT VISITOR" - 6 MAGAZINES KAKE "SIGHTSEEING THE GUARDS" - 4 MAGAZINES KAKE "POSTAL RAPE" - 3 MAGAZINES "TOM OF FINLAND".

Exporter / Exportateur

THE CHRISTIAN FELLOWSHIP 1421 LAVETA TERRACE LOS ANG. CA.

PART B — NOTICE OF DETERMINATION / PARTIE B — AVIS DE CLASSEMENT TARIFAIRE

The following goods have been examined and their importation into Canada is prohibited under the provisions of s. 114 of the Customs Tariff and code 9956 of Schedule VII.

14 magazines held

Après examen des marchandises désignées ci-après, il a été établi que leur importation au Canada est prohibée en vertu de l'article 114 du Tarif des douanes et du code 9956 de l'annexe VII.

Revenue Canada
Customs and Excise / Douanes et Accise
P.O. Box 10, Station "A"
Toronto, Ontario
M5W 1A8

This represents a determination pursuant to section 58 of the Customs Act. Your rights respecting this determination are set out on the reverse of this form.

Cette décision constitue un classement aux termes de l'article 58 de la Loi sur les douanes. Vos droits concernant ce classement sont énoncés au verso de la présente formule.

J. Thompson
Customs Officer / Agent des douanes

Commodity Specialist
Title / Titre

Dec. 12/88
Date of Determination / Date du classement

The following goods have been examined and their importation into Canada is admissible.

Après examen, il a été établi que les marchandises désignées ci-après sont admissibles au Canada.

Please contact Canada Customs at the point of entry to make arrangements for the payment of duties on the admissible goods.

Veuillez communiquer avec les douanes canadiennes au bureau d'entrée afin de prendre des arrangements pour le paiement des droits.

	Film	Type / Genre	Length / Longueur	Videotape / Ruban magnétoscopique	Format	Time / Durée
		mm				

SECTION 1

9956

- [ ] Book / Livre
- [X] Magazine / Magazine
- [ ] Comic / Bande dessinée
- [ ] Record / Disque
- [ ] Audiotape / Bande auditive
- [ ] Playing Cards / Jeu de cartes
- [ ] Advertisement / Publicité
- [ ] Photograph / Photographie
- [ ] Booklet / Livret
- [ ] Brochure / Dépliant
- [ ] Other / Autre

Mode of Transport / Mode de transport: MAIL

Were goods declared? / Les marchandises ont-elles été déclarées? [X] Yes / Oui [ ] No / Non

If not declared, mode of concealment / Si non déclarées, mode de dissimulation

SECTION 2

Classification (Memorandum D9-1-1)

- [X] a) Sex With Violence / Violence sexuelle
- [ ] b) Child Sex / Pornographie enfantine
- [ ] c) Incest / Inceste
- [ ] d) Bestiality / Bestialité
- [ ] e) Necrophilia / Nécrophilie
- [ ] f) Hate Propaganda / Propagande haineuse
- [X] g) Anal Penetration / Pénétration anale
- [X] h) Other / Autre: BONDAGE

Title / Titre

Quantity / Quantité

Date of Appeal / Date d'appel	Date sent to H.Q. / Date envoyé à l'A.C.	Disposition

Continuation Sheet / Feuille supplémentaire [ ] Yes / Oui [ ] No / Non

DEPARTMENT OF NATIONAL REVENUE – CUSTOMS AND EXCISE

MINISTÈRE DU REVENU NATIONAL – DOUANES ET ACCISE

K 27 (9/88)

2 — CONSIGNEE/CONSIGNATAIRE

This is Exhibit F referred to in the affidavit of Jeanld Moldenhauer sworn before me, this 25th day of October 1989

A COMMISSIONER FOR TAKING AFFIDAVITS

GERARDUS YSAAK WILFRED HEDDEMA, a Commissioner, etc., Province of Ontario, while a Student-at-Law. Expires September 8, 1992.

60.

April 7, 1989

The Deputy Minister of National Revenue & Excise
1 Front Street West, 3rd Floor
P.O. Box 10, Station A
Toronto, Ontario
M5W 1A3

Re: Files #3730-2/64T 3011; 2986; 2972; 2963; 2965

Dear Deputy Minister:

There are a number of points which need to be made concerning the gay/lesbian community's perspective on the seizures and banning of books such as the titles involved above. These perspectives have in common that they reflect ways of looking at literature which deals with our sexuality that someone outside our community might not appreciate, at least until taking the time to consider these arguments. It is with this in mind, together with the hope that your exercise of power incorporates a sincere appreciation for genuine cultural diversity in Canada, that I make this appeal on behalf of my bookshop and my community. A government interested in being sensitive to its pluralistic nature would be wise to consider the unique sociological aspects of the gay and lesbian community rather than to continue its present approach.

Gay & lesbian people constitute a distinct social minority in Canadian society, comprising somewhere around 10% of the population. As a part of the Canadian social fabric, our situation is similar to many racial, ethnic or religious minorities, except of course, we are defined by our sexuality. One should understand that "sexuality" is meant to encompass our emotional, physical and aesthetic relationships with each other and the world.

The gay & lesbian community is, at least on a visible level, a relatively new development in modern western societies. Viewed within the brief context of the past twenty years we have come a fair distance in terms of both legal reforms and in the construction of a genuine community with its own values, mores and tangible cultural institutions such as a media network and myriad of social & political organizations. As a social minority we are very much still in the position of realizing our long suppressed identity (somewhat analogous, if I may suggest, to the present & actively ongoing quest for a distinct Canadian identity) and asserting our rights as members of a group which has often been subjected to various forms of violence by both the State & society. These manifestations of homophobia take many forms, the harassment and persecution by Canada Customs being our present focal point.

.../2

As a group made up of individuals who realize their gay or lesbian identity only after growing up submerged in an aggressive & essentially anti-gay heterosexual culture, we rely on media (books, periodicals, films) to both explore our emerging identity and to make connections within our community. We are unlike any other social group in this special relationship to our literature & visual arts. One might even go so far as to conjecture that printed material has and continues to play an inestimably major role in the creation & evolution of our particular community.

It is for this very reason which I started both the Glad Day Bookshop in 1970 and the now defunct (after 15 years) The Body Politic news journal. And it is for this same reason that, in 1986, I characterized the attacks on gay and lesbian literature by Canada Customs as a form of "cultural genocide".

It is especially ironic that a government which enacted laws against "hate literature" perpetuates its own form of "hate literature" within the infamous Memorandum D9-1-1, highlighted by the reference to "anal sex" but including several other categories of "forbidden thought" which through censorship militate ignorance, prejudice and silence on a number of areas of human sexual experience. For homosexual acts to be legal in a country and for governments, both provincial and municipal, to have enacted various measures to protect the rights of the gay & lesbian population, while the current federal government institutes and upholds an internal memorandum (not legislated) against the citizen's right to read about homosexual acts is a simple unequivocal form of hate mongering of the worst sort.

The government poses as the protector of freedom while violating the rights of citizens it should be protecting. Put another way, instead of defending the weakest members of society from the prejudices of the masses, the government itself sets the tone of intolerance and oppression as perpetrator of its own instrument of hate, D9-1-1. It would seem to provide a classic example of a misuse of power by the State and bolster the argument that the State should not exercise control over any area of freedom of speech in a society which purports to be a true democracy.

.../3

Literature such as any of the Gay Sunshine Press Publications or Leyland Publishers are published by our own community's oldest publishers and distributed to literally thousands of North American bookstores by the most reputable small press book distributors in the United States. These titles all deal with matters of interest to the gay male community -- our sexuality and relationships. Some handle these topics in a playful & simply pleasure oriented manner while others explore ideas and situations encountered in gay life.

The gay comic anthologies and works by Tom of Finland represent the creative achievements of individuals who are major figures in the cultural backbone of our community. Tom of Finland is the senior figure in this school of art and has recently been celebrated by shows in American and European art galleries, as well as the publication of a 40 year retrospective of his work. The other artists work has all appeared previously in such important gay publications as the Advocate, Bay Area Reporter, and In Touch. Any examination of the collections would, of course, show the reader that matters of sexuality and sexual politics are dealt with by comic artists in an essentially playful manner which is capable of providing insights into human situations which other forms of communication may not achieve so effectively.

All play a role in helping gay men to better realize the nature of our sexuality and to provide an outlet for many people who are not able, for one reason or another (a primary one being age, followed by things such as physical handicaps) to interact with other members of their community. Of course many people enjoy such literature simply as a part of their varied programme of reading.

This goes without stating the most obvious of all "uses" of erotic literature (and videos, for that matter) within the gay male community: the reduction of sexual encounters whereby the AIDS virus is transmitted from one individual to another. It should be obvious to any rational caring individual in society (including government bureaucrats who are "just following orders") that activities which reduces the probability of individuals contracting the deadly disease -- and thereby reduces human suffering and loss -- not to mention enormous expense to the social welfare, is a good thing.

.../4

The points I've tried to make seem obvious to most gay/lesbian people. I know from plenty of experience that while Canada Customs officers are not trained in such matters as social tolerance and individual rights under the Charter, they certainly do reflect more than their share of social prejudice toward minorities, at least through rampant homophobic behaviour. This statement is being submitted with the hope that our perspectives, once outlined, might help in your interpretation of both the books in question and in your role as authorities over what Canadians can read. We hope that tolerance, compassion and social justice will prevail.

Sincerely,

Jearld Moldenhauer

p.s. Two recent articles examining the work of Tom of Finland are included for your consideration.

This is Exhibit 6 referred to in the affidavit of Jerald Maldenhauer sworn before me, this 25th day of October, 1989.

A COMMISSIONER FOR TAKING AFFIDAVITS

GERARDUS YSAAK WILFRED HEDDEMA,
a Commissioner, etc., Province of Ontario,
while a Student-at-Law.
Expires September 8, 1992.

both deemed obscene

Revenue Canada Customs and Excise | Revenu Canada Douanes et Accise

Canada

NOTICE OF DETENTION/DETERMINATION
AVIS DE RETENUE OU DE CLASSEMENT TARIFAIRE

9956

Importer / Importateur

Glad Day Bookshop
588A Yonge St.
Toronto, Ont.
M4Y 1Z3

Regional Control No. / N° de contrôle régional	3730-2/64T 1395
Point of Entry / Bureau d'entrée	Int'l Mail
Point of Entry Control No. / N° de contrôle du bureau d'entrée	CO 0961
Date	Aug 2, 1989

PART A — NOTICE OF DETENTION

The following goods have been detained for a determination of tariff classification. Once a determination has been made, you will be notified in writing.

PARTIE A — AVIS DE RETENUE

Les marchandises désignées ci-après ont été retenues aux fins du classement tarifaire. Nous vous aviserons par écrit du classement effectué.

Description of goods / Désignation des marchandises

10 Magazines- " Berliner Jungs ".
2 Magazines- " Arjun "

Exporter / Exportateur

VAH Ottensener Str. 131 D-2000 Hamburg 54

PART B — NOTICE OF DETERMINATION

The following goods have been examined and their importation into Canada is prohibited under the provisions of s. 114 of the Customs Tariff and code 9956 of Schedule VII.

10 magazines & 2 magazines } held

This represents a determination pursuant to section 58 of the Customs Act. Your rights respecting this determination are set out on the reverse of this form.

Murray Nesgrove — Customs Officer / Agent des douanes

Comm. Spec. — Title / Titre

Aug. 15/87 — Date of Determination / Date du classement

The following goods have been examined and their importation into Canada is admissible.

Please contact Canada Customs at the point of entry to make arrangements for the payment of duties on the admissible goods.

PARTIE B — AVIS DE CLASSEMENT TARIFAIRE

Après examen des marchandises désignées ci-après, il a été établi que leur importation au Canada est prohibée en vertu de l'article 114 du Tarif des douanes et du code 9956 de l'annexe VII.

Cette décision constitue un classement aux termes de l'article 58 de la Loi sur les douanes. Vos droits concernant ce classement sont énoncés au verso de la présente formule.

Après examen, il a été établi que les marchandises désignées ci-après sont admissibles au Canada.

Veuillez communiquer avec les douanes canadiennes au bureau d'entrée afin de prendre des arrangements pour le paiement des droits.

Film	Type / Genre	Length / Longueur	Videotape / Ruban magnétoscopique	Format	Time / Durée
	mm				

SECTION 1

9956

- [ ] Book / Livre
- [X] Magazine / Magazine
- [ ] Comic / Bande dessinée
- [ ] Record / Disque
- [ ] Audiotape / Bande auditive
- [ ] Jeu de cartes
- [ ] Advertisement / Publicité
- [ ] Photograph / Photographie
- [ ] Brochure / Dépliant
- [ ] Other / Autre

Mode of Transport / Mode de transport: Mail

Were goods declared? / Les marchandises ont-elles été déclarées? [X] Yes / Oui [ ] No / Non

If not declared, mode of concealment / Si non déclarées, mode de dissimulation

SEC

Classification (Memorandum D9-1-1)

- [ ] a) Sex With Violence / Violence sexuelle
- [X] b) Child Sex / Pornographie enfantine
- [ ] c) Incest / Inceste
- [ ] d) Bestiality / Bestialité
- [ ] e) Necrophilia / Nécrophilie
- [ ] f) Hate Propaganda / Propagande haineuse
- [ ] g) Anal Penetration / Pénétration anale
- [ ] h) Other / Autre

Title / Titre | Quantity / Quantité

Date of Appeal / Date d'appel | Date sent to H.Q. / Date envoyé à l'A.C | Disposition

Continuation Sheet / Feuille supplémentaire [ ] Yes / Oui [ ] No / Non

Prohibited Importations Unit
Commodity Specialist Section
P.O. Box 10, Station "A"
Toronto Region
Toronto, Ontario
M5W 1A3

FILE NO. 9730-2/64T-1395 DATED Aug 15 89

Tariff code 9956 covers "Books, printed paper, drawings, paintings, prints, photographs or representations of any kind that

(a) are deemed to be obscene under subsection 159 (8) of the Criminal Code:

(b) constitute hate propaganda within the meaning of subsection 281.3(8) of the Criminal Code:

(c) are of a treasonable character within the meaning of section 46 of the Criminal Code: or

(d) are of a seditious character within the meaning of sections 60 and 61 of the Criminal Code".

The goods have been examined and their importation into Canada is prohibited under the provisions of section 114 of the Customs Tariff and code 9956 of Schedule VII.

PLEASE READ THE BACK OF YOUR NOTICE OF DETENTION/DETERMINATION (FORM K27) FOR YOUR OPTIONS. INDICATE YOUR DECISION BELOW AND RETURN THIS FORM TO THE ADDRESS INDICATED ABOVE.

(1) ☐ ABANDON GOODS TO THE CROWN FOR SUBSEQUENT DESTRUCTION

(2) ☐ APPEAL THIS DETERMINATION PURSUANT TO SECTION 60 OF THE CUSTOMS ACT ON FORM B2 WITHIN 90 DAYS OF THE DATE OF THE WRITTEN NOTICE. FORMS OBTAINABLE AT ANY CUSTOMS OFFICE

(3) ☐ EXPORT GOODS FROM CANADA UNDER CUSTOMS SUPERVISION AND AT IMPORTER'S EXPENSE

IF BLOCK (2) IS CHECKED — Appeals on Form B2 fully completed and signed, should be directed to:

Revenue Canada Customs & Excise
P.O. Box 10, Station "A"
Toronto, Ontario
M5W 1A3
ATTN: TPA Unit E Rulings & Appeals

IF BLOCK (3) IS CHECKED — Goods may be exported by any means other than through the mails, providing this is done under Customs supervision and at importers expense. Since Canada Post prohibits the use of the mailing system for Obscene Matter you must make arrangements with a Canada Customs Bonded Carrier to export the goods from Canada

When arrangements have been made by you, please contact the following Point of Entry:

International Mail, Arsenals,
1400 Lakeshore Rd. E.
Mississauga, Ontario
L5E 1E9

Telephone: 278-6711.

RBR CS Tel. No. 973-8140

For C.P.A. Bodanis
HEAD, PROHIBITED IMPORTATIONS UNIT.

This is Exhibit 4 referred to in the
affidavit of Jearld Maldenhauer
sworn before me, this 25th
day of October 19 89.

A COMMISSIONER FOR TAKING AFFIDAVITS

GERARDUS YSAAK WILFRED HEDDEMA,
a Commissioner, etc., Province of Ontario,
while a Student-at-Law.
Expires September 8, 1992.

Revenue Canada Customs and Excise | Revenu Canada Douanes et Accise

prohibited

Canada

NOTICE OF DETENTION/DETERMINATION
AVIS DE RETENUE OU DE CLASSEMENT TARIFAIRE

9956

Importer / Importateur

Glad Day Bookshop
598 AYonge St.
Toronto, Ont.
M4Y 1Z3

Regional Control No. / N° de contrôle régional	3730-2/64T-1268
Point of Entry / Bureau d'entrée	Int'l Mail
Point of Entry Control No. / N° de contrôle du bureau d'entrée	CO 0964
Date	Aug 2, 1989

PART A — NOTICE OF DETENTION

The following goods have been detained for a determination of tariff classification. Once a determination has been made, you will be notified in writing.

PARTIE A — AVIS DE RETENUE

Les marchandises désignées ci-après ont été retenues aux fins du classement tarifaire. Nous vous aviserons par écrit du classement effectué.

Description of goods / Désignation des marchandises

20 Magazines- " Meatmen Vol. 4"
(1 SAMPLE SENT)

Exporter / Exportateur

Inland Book Co, 254 Bradley St. East Haven, Conn. 06512

PART B — NOTICE OF DETERMINATION

The following goods have been examined and their importation into Canada is prohibited under the provisions of s. 114 of the Customs Tariff and code 9956 of Schedule VII.

~~MAG HELD~~ 1 MAGAZINE
Meatmen vol 4 held

This represents a determination pursuant to section 58 of the Customs Act. Your rights respecting this determination are set out on the reverse of this form.

[signature] — Customs Officer / Agent des douanes

Commun Specialist — Title / Titre

03/08/89 — Date of Determination / Date du classement

The following goods have been examined and their importation into Canada is admissible.

Please contact Canada Customs at the point of entry to make arrangements for the payment of duties on the admissible goods.

PARTIE B — AVIS DE CLASSEMENT TARIFAIRE

Après examen des marchandises désignées ci-après, il a été établi que leur importation au Canada est prohibée en vertu de l'article 114 du Tarif des douanes et du code 9956 de l'annexe VII.

Cette décision constitue un classement aux termes de l'article 58 de la Loi sur les douanes. Vos droits concernant ce classement sont énoncés au verso de la présente formule.

Après examen, il a été établi que les marchandises désignées ci-après sont admissibles au Canada.

Veuillez communiquer avec les douanes canadiennes au bureau d'entrée afin de prendre des arrangements pour le paiement des droits.

Film	Type / Genre	Length / Longueur	Videotape / Ruban magnétoscopique	Format	Time / Durée
	mm				

SECTION 1

9956

- [ ] Book / Livre
- [X] Magazine / Magazine
- [ ] Comic / Bande dessinée
- [ ] Record / Disque
- [ ] Audiotape / Bande auditive
- [ ] Playing Cards / Jeu de cartes
- [ ] Advertisement / Publicité
- [ ] Photograph / Photographie
- [ ] Booklet / Livret
- [ ] Brochure / Dépliant
- [ ] Other / Autre

Mode of Transport / Mode de transport: Mail

Were goods declared? / Les marchandises ont-elles été déclarées? [ ] Yes / Oui [X] No / Non

If not declared, mode of concealment / Si non déclarées, mode de dissimulation: Large Brown Box Parcel

SECTION 2

Classification (Memorandum D9-1-1)

- [ ] a) Sex With Violence / Violence sexuelle
- [ ] b) Child Sex / Pornographie enfantine
- [ ] c) Incest / Inceste
- [ ] d) Bestiality / Bestialité
- [ ] e) Necrophilia / Nécrophilie
- [ ] f) Hate Propaganda / Propagande haineuse
- [✓] g) Anal Penetration / Pénétration anale
- [ ] h) Other / Autre

Title / Titre | Quantity / Quantité

Date of Appeal / Date d'appel | Date sent to H.Q. / Date envoyé à l'A.C. | Disposition

Continuation Sheet / Feuille supplémentaire [ ] Yes / Oui [ ] No / Non

T. P. A.
Prohibited Importations Unit
Commodity Specialist Section
P.O. Box 10, Station "A"
Toronto Region
Toronto, Ontario
M5W 1A3

FILE NO. 3730-2/647-1268 DATED Aug. 3/89.

Tariff code 9956 covers "Books, printed paper, drawings, paintings, prints, photographs or representations of any kind that

(a) are deemed to be obscene under subsection 159 (8) of the Criminal Code:

(b) constitute hate propaganda within the meaning of subsection 281.3(8) of the Criminal Code:

(c) are of a treasonable character within the meaning of section 46 of the Criminal Code: or

(d) are of a seditious character within the meaning of sections 60 and 61 of the Criminal Code".

The goods have been examined and their importation into Canada is prohibited under the provisions of section 114 of the Customs Tariff and code 9956 of Schedule VII.

PLEASE READ THE BACK OF YOUR NOTICE OF DETENTION/DETERMINATION (FORM K27) FOR YOUR OPTIONS. INDICATE YOUR DECISION BELOW AND RETURN THIS FORM TO THE ADDRESS INDICATED ABOVE.

(1) ☐ ABANDON GOODS TO THE CROWN FOR SUBSEQUENT DESTRUCTION

(2) ☐ APPEAL THIS DETERMINATION PURSUANT TO SECTION 60 OF THE CUSTOMS ACT ON FORM B2 WITHIN 90 DAYS OF THE DATE OF THE WRITTEN NOTICE. FORMS OBTAINABLE AT ANY CUSTOMS OFFICE

(3) ☐ EXPORT GOODS FROM CANADA UNDER CUSTOMS SUPERVISION AND AT IMPORTER'S EXPENSE

IF BLOCK (2) IS CHECKED — Appeals on Form B2 fully completed and signed, should be directed to:

Revenue Canada Customs & Excise
P.O. Box 10, Station "A"
Toronto, Ontario
M5W 1A3
ATTN: TPA Unit E Rulings & Appeals

IF BLOCK (3) IS CHECKED — Goods may be exported by any means other than through the mails, providing this is done under Customs supervision and at importers expense. Since Canada Post prohibits the use of the mailing system for Obscene Matter you must make arrangements with a Canada Customs Bonded Carrier to export the goods from Canada

When arrangements have been made by you, please contact the following Point of Entry:

International Mail, Arsenals,
1400 Lakeshore Rd. E.
Mississauga, Ontario
L5E 1E9

Telephone: 278-6711.

CS Tel. No. 973-8140

for C.P.A. Bodanis
HEAD, PROHIBITED IMPORTATIONS UNIT.

This is Exhibit I referred to in the
affidavit of Jerald Maldenhauer
sworn before me, this 25th
day of October 19 89.

A COMMISSIONER FOR TAKING AFFIDAVITS

GERARDUS YSAAK WILFRED HEDDEMA,
a Commissioner, etc., Province of Ontario,
while a Student-at-Law.
Expires September 8, 1992.

Revenue Canada
Customs and Excise

Revenu Canada
Douanes et Accise

prohibited

Canada

NOTICE OF DETENTION/DETERMINATION
AVIS DE RETENUE OU DE CLASSEMENT TARIFAIRE

9956

Importer / Importateur

Glad Day Bookshop
598A Yonge St.
Toronto, Ont.
M4Y 1Z3

Regional Control No. / N° de contrôle régional	3730-2/64T-1269
Point of Entry / Bureau d'entrée	Int'l Mail
Point of Entry Control No. / N° de contrôle du bureau d'entrée	CO 0965
Date	Aug 2 1989

PART A — NOTICE OF DETENTION

The following goods have been detained for a determination of tariff classification. Once a determination has been made, you will be notified in writing.

PARTIE A — AVIS DE RETENUE

Les marchandises désignées ci-après ont été retenues aux fins du classement tarifaire. Nous vous aviserons par écrit du classement effectué.

Description of goods / Désignation des marchandises

30 Magazines- " When I Was 18 " 10 pcs
(Books) " Hard " 10 pcs
" Lust " 10 pcs

(3 Book SENTAS SAMPLES)

Exporter / Exportateur

Bookpeople 2029 Fifth St. Ca. 94710

PART B — NOTICE OF DETERMINATION

The following goods have been examined and their importation into Canada is prohibited under the provisions of s. 114 of the Customs Tariff and code 9956 of Schedule VII.

3 MAGAZINES: HEAD: WHEN I WAS 18
HARD
LUST

This represents a determination pursuant to section 58 of the Customs Act. Your rights respecting this determination are set out on the reverse of this form.

Customs Officer / Agent des douanes

Title / Titre

03/08/89
Date of Determination / Date du classement

PARTIE B — AVIS DE CLASSEMENT TARIFAIRE

Après examen des marchandises désignées ci-après, il a été établi que leur importation au Canada est prohibée en vertu de l'article 114 du Tarif des douanes et du code 9956 de l'annexe VII.

Cette décision constitue un classement aux termes de l'article 58 de la Loi sur les douanes. Vos droits concernant ce classement sont énoncés au verso de la présente formule.

The following goods have been examined and their importation into Canada is admissible.

Please contact Canada Customs at the point of entry to make arrangements for the payment of duties on the admissible goods.

Après examen, il a été établi que les marchandises désignées ci-après sont admissibles au Canada.

Veuillez communiquer avec les douanes canadiennes au bureau d'entrée afin de prendre des arrangements pour le paiement des droits.

Film	Type / Genre	Length / Longueur mm	Videotape / Ruban magnétoscopique	Format	Time / Durée

SECTION 1

9956

- [X] Book / Livre
- [ ] Magazine / Magazine
- [ ] Comic / Bande dessinée
- [ ] Record / Disque
- [ ] Audiotape / Bande auditive
- [ ] Playing Cards / Jeu de cartes
- [ ] Advertisement / Publicité
- [ ] Photograph / Photographie
- [ ] Booklet / Livret
- [ ] Brochure / Dépliant
- [ ] Other / Autre

Mode of Transport / Mode de transport: Mail

Were goods declared? / Les marchandises ont-elles été déclarées? [X] Yes / Oui [ ] No / Non

If not declared, mode of concealment / Si non déclarées, mode de dissimulation

SECTION 2

Classification (Memorandum D9-1-1)

- [ ] a) Sex With Violence / Violence sexuelle
- [ ] b) Child Sex / Pornographie enfantine
- [ ] c) Incest / Inceste
- [ ] d) Bestiality / Bestialité
- [ ] e) Necrophilia / Nécrophilie
- [ ] f) Hate Propaganda / Propagande haineuse
- [✓] g) Anal Penetration / Pénétration anale
- [ ] h) Other / Autre

Title / Titre

Quantity / Quantité

Date of Appeal / Date d'appel

Date sent to H.Q. / Date envoyé à l'A.C.

Disposition

Continuation Sheet / Feuille supplémentaire [ ] Yes / Oui [ ] No / Non

T. P. A.
Prohibited Importations Unit
Commodity Specialist Section
P.O. Box 10, Station "A"
Toronto Region
Toronto, Ontario
M5W 1A3

FILE NO. 3730-2/647-1269 DATED Aug. 3/89.

Tariff code 9956 covers "Books, printed paper, drawings, paintings, prints, photographs or representations of any kind that

(a) are deemed to be obscene under subsection 159 (8) of the Criminal Code:

(b) constitute hate propaganda within the meaning of subsection 281.3(8) of the Criminal Code:

(c) are of a treasonable character within the meaning of section 46 of the Criminal Code: or

(d) are of a seditious character within the meaning of sections 60 and 61 of the Criminal Code".

The goods have been examined and their importation into Canada is prohibited under the provisions of section 114 of the Customs Tariff and code 9956 of Schedule VII.

PLEASE READ THE BACK OF YOUR NOTICE OF DETENTION/DETERMINATION (FORM K27) FOR YOUR OPTIONS. INDICATE YOUR DECISION BELOW AND RETURN THIS FORM TO THE ADDRESS INDICATED ABOVE.

(1) ☐ ABANDON GOODS TO THE CROWN FOR SUBSEQUENT DESTRUCTION

(2) ☐ APPEAL THIS DETERMINATION PURSUANT TO SECTION 60 OF THE CUSTOMS ACT ON FORM B2 WITHIN 90 DAYS OF THE DATE OF THE WRITTEN NOTICE. FORMS OBTAINABLE AT ANY CUSTOMS OFFICE

(3) ☐ EXPORT GOODS FROM CANADA UNDER CUSTOMS SUPERVISION AND AT IMPORTER'S EXPENSE

IF BLOCK (2) IS CHECKED — Appeals on Form B2 fully completed and signed, should be directed to:

Revenue Canada Customs & Excise
P.O. Box 10, Station "A"
Toronto, Ontario
M5W 1A3
ATTN: TPA Unit E Rulings & Appeals

IF BLOCK (3) IS CHECKED — Goods may be exported by any means other than through the mails, providing this is done under Customs supervision and at importers expense. Since Canada Post prohibits the use of the mailing system for Obscene Matter you must make arrangements with a Canada Customs Bonded Carrier to export the goods from Canada

When arrangements have been made by you, please contact the following Point of Entry:

International Mail, Arsenals,
1400 Lakeshore Rd. E.
Mississauga, Ontario
L5E 1E9

Telephone: 278-6711.
Tel. No. 973-8140

CS

For C.P.A. Bodanis
HEAD, PROHIBITED IMPORTATIONS UNIT.

This is Exhibit ....J.... referred to in the affidavit of Jean'd Moldenhauer sworn before me, this ....25th.... day of ....October.... 1989.

.....
A COMMISSIONER FOR TAKING AFFIDAVITS

GERARDUS YSAAK WILFRED HEDDEMA,
a Commissioner, etc., Province of Ontario,
while a Student-at-Law.
Expires September 8, 1992.

Revenue Canada Customs and Excise | Revenu Canada Douanes et Accise

Canada

NOTICE OF DETENTION/DETERMINATION
AVIS DE RETENUE OU DE CLASSEMENT TARIFAIRE

9956

Importer / Importateur

Glad Day Bookshop
598A yonge St.
Toronto, Ont.
M4Y 1Z3

Regional Control No. / N° de contrôle régional: 3730-2/6XT-1270

Point of Entry / Bureau d'entrée: Int'l Mail

Point of Entry Control No. / N° de contrôle du bureau d'entrée: 60 0966

Date: Aug 2, 1989

PART A — NOTICE OF DETENTION

The following goods have been detained for a determination of tariff classification. Once a determination has been made, you will be notified in writing.

PARTIE A — AVIS DE RETENUE

Les marchandises désignées ci-après ont été retenues aux fins du classement tarifaire. Nous vous aviserons par écrit du classement effectué.

Description of goods / Désignation des marchandises

20 Books- " Humongous"

1 BOOK SAMPLE SENT

Exporter / Exportateur

zBookpeople 2929 Fifth St. Ca. 94710

PART B — NOTICE OF DETERMINATION

The following goods have been examined and their importation into Canada is prohibited under the provisions of s. 114 of the Customs Tariff and code 9956 of Schedule VII.

1 Books HELD (HUMONGOUS)

This represents a determination pursuant to section 58 of the Customs Act. Your rights respecting this determination are set out on the reverse of this form.

Customs Officer / Agent des douanes

Comm. Specialist
Title / Titre

03/08/89
Date of Determination / Date du classement

PARTIE B — AVIS DE CLASSEMENT TARIFAIRE

Après examen des marchandises désignées ci-après, il a été établi que leur importation au Canada est prohibée en vertu de l'article 114 du Tarif des douanes et du code 9956 de l'annexe VII.

Cette décision constitue un classement aux termes de l'article 58 de la Loi sur les douanes. Vos droits concernant ce classement sont énoncés au verso de la présente formule.

The following goods have been examined and their importation into Canada is admissible.

Please contact Canada Customs at the point of entry to make arrangements for the payment of duties on the admissible goods.

Après examen, il a été établi que les marchandises désignées ci-après sont admissibles au Canada.

Veuillez communiquer avec les douanes canadiennes au bureau d'entrée afin de prendre des arrangements pour le paiement des droits.

Film	Type / Genre	Length / Longueur mm	Videotape Ruban magnétoscopique	Format	Time / Durée

SECTION 1

9956

- [X] Book / Livre
- [ ] Magazine / Magazine
- [ ] Comic / Bande dessinée
- [ ] Record / Disque
- [ ] Audiotape / Bande auditive
- [ ] Playing Cards / Jeu de cartes
- [ ] Advertisement / Publicité
- [ ] Photograph / Photographie
- [ ] Booklet / Livret
- [ ] Brochure / Dépliant
- [ ] Other / Autre

Mode of Transport / Mode de transport: Mail

Were goods declared? / Les marchandises ont-elles été déclarées? [X] Yes / Oui [ ] No / Non

If not declared, mode of concealment / Si non déclarées, mode de dissimulation

SECTION 2

Classification (Memorandum D9-1-1)

- [ ] a) Sex With Violence / Violence sexuelle
- [ ] b) Child Sex / Pornographie enfantine
- [ ] c) Incest / Inceste
- [ ] d) Bestiality / Bestialité
- [ ] e) Necrophilia / Nécrophilie
- [ ] f) Hate Propaganda / Propagande haineuse
- [2] g) Anal Penetration / Pénétration anale
- [ ] h) Other / Autre

Title / Titre

Quantity / Quantité

Date of Appeal / Date d'appel

Date sent to H.Q. / Date envoyé à l'A.C.

Disposition

Continuation Sheet / Feuille supplémentaire [ ] Yes / Oui [ ] No / Non

DEPARTMENT OF NATIONAL REVENUE — CUSTOMS AND EXCISE

MINISTÈRE DU REVENU NATIONAL — DOUANES ET ACCISE

K 27 (9/88)

2 — CONSIGNEE/CONSIGNATAIRE

T. P. A.
Prohibited Importations Unit
Commodity Specialist Section
P.O. Box 10, Station "A"
Toronto Region
Toronto, Ontario
M5W 1A3

FILE NO. 3730-2/647-1270 DATED Aug. 3/89

Tariff code 9956 covers "Books, printed paper, drawings, paintings, prints, photographs or representations of any kind that

(a) are deemed to be obscene under subsection 159 (8) of the Criminal Code:

(b) constitute hate propaganda within the meaning of subsection 281.3(8) of the Criminal Code:

(c) are of a treasonable character within the meaning of section 46 of the Criminal Code: or

(d) are of a seditious character within the meaning of sections 60 and 61 of the Criminal Code".

The goods have been examined and their importation into Canada is prohibited under the provisions of section 114 of the Customs Tariff and code 9956 of Schedule VII.

PLEASE READ THE BACK OF YOUR NOTICE OF DETENTION/DETERMINATION (FORM K27) FOR YOUR OPTIONS. INDICATE YOUR DECISION BELOW AND RETURN THIS FORM TO THE ADDRESS INDICATED ABOVE.

(1) ☐ ABANDON GOODS TO THE CROWN FOR SUBSEQUENT DESTRUCTION

(2) ☑ APPEAL THIS DETERMINATION PURSUANT TO SECTION 60 OF THE CUSTOMS ACT ON FORM B2 WITHIN 90 DAYS OF THE DATE OF THE WRITTEN NOTICE. FORMS OBTAINABLE AT ANY CUSTOMS OFFICE

(3) ☒ EXPORT GOODS FROM CANADA UNDER CUSTOMS SUPERVISION AND AT IMPORTER'S EXPENSE

IF BLOCK (2) IS CHECKED — Appeals on Form B2 fully completed and signed, should be directed to:

Revenue Canada Customs & Excise
P.O. Box 10, Station "A"
Toronto, Ontario
M5W 1A3
ATTN: TPA Unit E Rulings & Appeals

IF BLOCK (3) IS CHECKED — Goods may be exported by any means other than through the mails, providing this is done under Customs supervision and at importers expense. Since Canada Post prohibits the use of the mailing system for Obscene Matter you must make arrangements with a Canada Customs Bonded Carrier to export the goods from Canada

When arrangements have been made by you, please contact the following Point of Entry:

International Mail, Arsenals,
1400 Lakeshore Rd. E.
Mississauga, Ontario
L5E 1E9

Telephone: 278-6711.
Tel. No. 973-8140

Murray Musgrave CS
For C.P.A. Bodanis
HEAD, PROHIBITED IMPORTATIONS UNIT.

This is Exhibit K referred to in the affidavit of Jearld Maldenhauer sworn before me, this 29th day of October 1983.

A COMMISSIONER FOR TAKING AFFIDAVITS

GERARDUS YSAAK WILFRED HEDDEMA,
a Commissioner, etc., Province of Ontario,
while a Student-at-Law.
Expires September 8, 1992.

Revenue Canada
Customs and Excise

Revenu Canada
Douanes et Accise

Canada

NOTICE OF DETENTION/DETERMINATION
AVIS DE RETENUE OU DE CLASSEMENT TARIFAIRE

9956

Importer / Importateur

Glad Day Bookshop
598A Yonge St.
Toronto, Ont.
M4Y 1Z3

Regional Control No. / N° de contrôle régional: 3730-2/64T-1271

Point of Entry / Bureau d'entrée: Int'l Mail

Point of Entry Control No. / N° de contrôle du bureau d'entrée: CO 0967

Date: Aug 2, 1989

PART A — NOTICE OF DETENTION

The following goods have been detained for a determination of tariff classification. Once a determination has been made, you will be notified in writing.

PARTIE A — AVIS DE RETENUE

Les marchandises désignées ci-après ont été retenues aux fins du classement tarifaire. Nous vous aviserons par écrit du classement effectué.

Description of goods / Désignation des marchandises

52 Books- " Meatmen Continues " 10 pcs
" More Meatmen " 20 pcs
" When I Was 18 " 2 pcs
" And Still More Meatmen" 10 pcs

(2 SAMPLES SENT)

Exporter / Exportateur

Bookpeople 2929 Fifth St. Ca. 94710

PART B — NOTICE OF DETERMINATION

The following goods have been examined and their importation into Canada is prohibited under the provisions of s. 114 of the Customs Tariff and code 9956 of Schedule VII.

2 magazines held

This represents a determination pursuant to section 58 of the Customs Act. Your rights respecting this determination are set out on the reverse of this form.

Customs Officer / Agent des douanes: A Freeman

Title / Titre: Comm Specialist

Date of Determination / Date du classement: 03/08/89

The following goods have been examined and their importation into Canada is admissible.

Please contact Canada Customs at the point of entry to make arrangements for the payment of duties on the admissible goods.

PARTIE B — AVIS DE CLASSEMENT TARIFAIRE

Après examen des marchandises désignées ci-après, il a été établi que leur importation au Canada est prohibée en vertu de l'article 114 du Tarif des douanes et du code 9956 de l'annexe VII.

Cette décision constitue un classement aux termes de l'article 58 de la Loi sur les douanes. Vos droits concernant ce classement sont énoncés au verso de la présente formule.

Après examen, il a été établi que les marchandises désignées ci-après sont admissibles au Canada.

Veuillez communiquer avec les douanes canadiennes au bureau d'entrée afin de prendre des arrangements pour le paiement des droits.

Film	Type / Genre	Length / Longueur	Videotape / Ruban magnétoscopique	Format	Time / Durée
		mm			

SECTION 1

9956

- [X] Book / Livre
- [ ] Magazine / Magazine
- [ ] Comic / Bande dessinée
- [ ] Record / Disque
- [ ] Audiotape / Bande auditive
- [ ] Playing Cards / Jeu de cartes
- [ ] Advertisement / Publicité
- [ ] Photograph / Photographie
- [ ] Booklet / Livret
- [ ] Brochure / Dépliant
- [ ] Other / Autre

Mode of Transport / Mode de transport: Mail

Were goods declared? / Les marchandises ont-elles été déclarées? [X] Yes / Oui [ ] No / Non

If not declared, mode of concealment / Si non déclarées, mode de dissimulation

SECTION 2

Classification (Memorandum D9-1-1)

- [ ] a) Sex With Violence / Violence sexuelle
- [ ] b) Child Sex / Pornographie enfantine
- [ ] c) Incest / Inceste
- [ ] d) Bestiality / Bestialité
- [ ] e) Necrophilia / Nécrophilie
- [ ] f) Hate Propaganda / Propagande haineuse
- [✓] g) Anal Penetration / Pénétration anale
- [ ] h) Other / Autre

Title / Titre

Quantity / Quantité

Date of Appeal / Date d'appel

Date sent to H.Q. / Date envoyé à l'A.C.

Disposition

Continuation Sheet / Feuille supplémentaire [ ] Yes / Oui [ ] No / Non

T. P. A.
Prohibited Importations Unit
Commodity Specialist Section
P.O. Box 10, Station "A"
Toronto Region
Toronto, Ontario
M5W 1A3

FILE NO. 3730-2/64T-1271 DATED AUG. 3/89.

Tariff code 9956 covers "Books, printed paper, drawings, paintings, prints, photographs or representations of any kind that

(a) are deemed to be obscene under subsection 159 (8) of the Criminal Code:

(b) constitute hate propaganda within the meaning of subsection 281.3(8) of the Criminal Code:

(c) are of a treasonable character within the meaning of section 46 of the Criminal Code: or

(d) are of a seditious character within the meaning of sections 60 and 61 of the Criminal Code".

The goods have been examined and their importation into Canada is prohibited under the provisions of section 114 of the Customs Tariff and code 9956 of Schedule VII.

PLEASE READ THE BACK OF YOUR NOTICE OF DETENTION/DETERMINATION (FORM K27) FOR YOUR OPTIONS. INDICATE YOUR DECISION BELOW AND RETURN THIS FORM TO THE ADDRESS INDICATED ABOVE.

(1) ☐ ABANDON GOODS TO THE CROWN FOR SUBSEQUENT DESTRUCTION

(2) ☐ APPEAL THIS DETERMINATION PURSUANT TO SECTION 60 OF THE CUSTOMS ACT ON FORM B2 WITHIN 90 DAYS OF THE DATE OF THE WRITTEN NOTICE. FORMS OBTAINABLE AT ANY CUSTOMS OFFICE

(3) ☐ EXPORT GOODS FROM CANADA UNDER CUSTOMS SUPERVISION AND AT IMPORTER'S EXPENSE

IF BLOCK (2) IS CHECKED — Appeals on Form B2 fully completed and signed, should be directed to:

Revenue Canada Customs & Excise
P.O. Box 10, Station "A"
Toronto, Ontario
M5W 1A3
ATTN: TPA Unit E Rulings & Appeals

IF BLOCK (3) IS CHECKED — Goods may be exported by any means other than through the mails, providing this is done under Customs supervision and at importers expense. Since Canada Post prohibits the use of the mailing system for Obscene Matter you must make arrangements with a Canada Customs Bonded Carrier to export the goods from Canada

When arrangements have been made by you, please contact the following Point of Entry:

International Mail, Arsenals,
1400 Lakeshore Rd. E.
Mississauga, Ontario
L5E 1E9

Telephone: 278-6711.
Tel. No. 973-8140

Murray Musgrave CS
For C.P.A. Bodanis
HEAD, PROHIBITED IMPORTATIONS UNIT.

This is Exhibit .....M..... referred to in the affidavit of Jeanid Moldenhauer sworn before me, this 25th day of October 1989

A COMMISSIONER FOR TAKING AFFIDAVITS

GERARDUS YSAAK WILFRED HEDDEMA,
a Commissioner, etc., Province of Ontario,
while a Student-at-Law.
Expires September 8, 1992.

Revenue Canada Customs and Excise | Revenu Canada Douanes et Accise

Canada

NOTICE OF DETENTION/DETERMINATION
AVIS DE RETENUE OU DE CLASSEMENT TARIFAIRE

9956

Importer / Importateur

Glad Day Bookshop
598 A Yonge St
Toronto Ontario
M4Y 1Z3

Regional Control No. / N° de contrôle régional: 3730-2/6XT 2174

Point of Entry / Bureau d'entrée: Intl Mail

Point of Entry Control No. / N° de contrôle du bureau d'entrée: CO 1804

Date: Oct 4, 1989

PART A — NOTICE OF DETENTION

The following goods have been detained for a determination of tariff classification. Once a determination has been made, you will be notified in writing.

Description of goods / Désignation des marchandises

25 Soft Cover Books- Meatmen Vol. 5

Exporter / Exportateur

Inland Book Co, 254 Bradley St East Haven Conn. 06512

PARTIE A — AVIS DE RETENUE

Les marchandises désignées ci-après ont été retenues aux fins du classement tarifaire. Nous vous aviserons par écrit du classement effectué.

PART B — NOTICE OF DETERMINATION

The following goods have been examined and their importation into Canada is prohibited under the provisions of s. 114 of the Customs Tariff and code 9956 of Schedule VII.

The magazine Meatmen Vol. #5 is prohibited

This represents a determination pursuant to section 58 of the Customs Act. Your rights respecting this determination are set out on the reverse of this form.

M Musgrave — Customs Officer / Agent des douanes

Comm. Spec. — Title / Titre

Oct 16/89 — Date of Determination / Date du classement

The following goods have been examined and their importation into Canada is admissible.

Please contact Canada Customs at the point of entry to make arrangements for the payment of duties on the admissible goods.

PARTIE B — AVIS DE CLASSEMENT TARIFAIRE

Après examen des marchandises désignées ci-après, il a été établi que leur importation au Canada est prohibée en vertu de l'article 114 du Tarif des douanes et du code 9956 de l'annexe VII.

Cette décision constitue un classement aux termes de l'article 58 de la Loi sur les douanes. Vos droits concernant ce classement sont énoncés au verso de la présente formule.

Après examen, il a été établi que les marchandises désignées ci-après sont admissibles au Canada.

Veuillez communiquer avec les douanes canadiennes au bureau d'entrée afin de prendre des arrangements pour le paiement des droits.

Film	Type / Genre	Length / Longueur mm	Videotape / Ruban magnétoscopique	Format	Time / Durée

SECTION 1

9956

- [X] Book / Livre
- [ ] Magazine / Magazine
- [ ] Comic / Bande dessinée
- [ ] Record / Disque
- [ ] Audiotape / Bande auditive
- [ ] Playing Cards / Jeu de cartes
- [ ] Advertisement / Publicité
- [ ] Photograph / Photographie
- [ ] Booklet / Livret
- [ ] Brochure / Dépliant
- [ ] Other / Autre

Mode of Transport / Mode de transport: Mail

Were goods declared? / Les marchandises ont-elles été déclarées? [X] Yes / Oui [ ] No / Non

If not declared, mode of concealment / Si non déclarées, mode de dissimulation

SECTION

Classification (Memorandum D9-1-1)

- [✓] a) Sex With Violence / Violence sexuelle
- [ ] b) Child Sex / Pornographie enfantine
- [ ] c) Incest / Inceste
- [ ] d) Bestiality / Bestialité
- [ ] e) Necrophilia / Nécrophilie
- [ ] f) Hate Propaganda / Propagande haineuse
- [✓] g) Anal Penetration / Pénétration anale
- [✓] h) Other / Autre: DEGRADATION BONDAGE.

Title / Titre

Quantity / Quantité

Appeal / Date d'appel	Date sent to H.Q. / Date envoyé à l'A.C.	Disposition

Continuation Sheet / Feuille supplémentaire — [ ] Yes / Oui [ ] No / Non

REVENUE — CUSTOMS AND EXCISE

MINISTÈRE DU REVENU NATIONAL — DOUANES ET ACCISE

2 — CONSIGNEE/CONSIGNATAIRE

Commodity Specialist
P.O. Box 10, Station "A"
Toronto, Ontario
M5W 1A3

FILE NO. 3730-2/64T 2174 DATED Oct. 16/89

Tariff code 9956 covers "Books, printed paper, drawing, paintings, prints, photographs or representations of any kind that

(a) are deemed to be obscene under subsection 159 (8) of the Criminal Code:

(b) constitute hate propaganda within the meaning of subsection 281.3(8) of the Criminal Code:

(c) are of a treasonable character within the meaning of section 46 of the Criminal Code: or

(d) are of a seditious character within the meaning of sections 60 and 61 of the Criminal Code".

The goods have been examined and their importation into Canada is prohibited under the provisions of section 114 of the Customs Tariff and code 9956 of Schedule VII.

PLEASE READ THE BACK OF YOUR NOTICE OF DETENTION/DETERMINATION (FORM K27) FOR YOUR OPTIONS. INDICATE YOUR DECISION BELOW AND RETURN THIS FORM TO THE ADDRESS INDICATED ABOVE.

(1) ☐ ABANDON GOODS TO THE CROWN FOR SUBSEQUENT DESTRUCTION

(2) ☐ APPEAL THE DETERMINATION PURSUANT TO SECTION 60 OF THE CUSTOMS ACT ON FORM B2 WITHIN 90 DAYS OF THE DATE OF THE WRITTEN NOTICE.FORMS OBTAINABLE AT ANY CUSTOMS OFFICE.

(3) ☐ EXPORT GOODS FROM CANADA UNDER CUSTOMS SUPERVISION AND AT IMPORTER'S EXPENSE.

IF BLOCK (2) IS CHECKED | Appeals on Form B2 fully completed and signed, should be directed to:

Revenue Canada Customs & Excise
P.O. Box 10, Station "A"
Toronto, Ontario
M5W 1A3
ATTN: TPA Unit E Rulings & Appeals

IF BLOCK (3) IS CHECKED | Goods may be exported by any means other than through the mails, providing this is done under Customs supervision and at importers expense. Since Canada Post prohibits the use of the mailing system for Obscene Matter you must make arrangements with a Canada Customs Bonded Carrier to export the goods from Canada.

When arrangements have been made by you, please contact the following Point of Entry:

International Mail, Arsenals,
1400 Lakeshore Rd. E.
Mississauga, Ontario
L5E 1E9

Telephone: 278-6711
Tel. No. 973-8140

M. Thompson CS

For C.P.A. Bodanis
HEAD PROHIBITED IMPORTATIONS UNIT.

Revenue Canada
Customs and Excise

Revenu Canada
Douanes et Accise

Canada

NOTICE OF DETENTION/DETERMINATION
AVIS DE RETENUE OU DE CLASSEMENT TARIFAIRE

9956

Importer/Importateur

Glad Day Bookshop
598A Yonge St
Toronto Ontario
M4Y 1Z3

Regional Control No. N° de contrôle régional	
Point of Entry Bureau d'entrée	Int'l mail
Point of Entry Control No. N° de contrôle du bureau d'entrée	CO 1805
Date	Oct 4, 1989

PART A — NOTICE OF DETENTION

The following goods have been detained for a determination of tariff classification. Once a determination has been made, you will be notified in writing.

PARTIE A — AVIS DE RETENUE

Les marchandises désignées ci-après ont été retenues aux fins du classement tarifaire. Nous vous aviserons par écrit du classement effectué.

Description of goods/Désignation des marchandises

20 Books- Surfer Sex
20 Books- Cream Vol. 7
15 Books- Sex Stop Vol. 3
3 Books- Hot Tricks Vol. 5

Exporter/Exportateur

Bookpeople 2929 Fifth St Berkeley CA 94710

DEPARTMENT OF NATIONAL REVENUE — CUSTOMS AND EXCISE

MINISTÈRE DU REVENU NATIONAL — DOUANES ET ACCISE

1 — CONSIGNEE/CONSIGNATAIRE

This is Exhibit N *referred to in the affidavit of* Jerald Maldenhauer *sworn before me, this* 25th *day of* October *19*89.

A COMMISSIONER FOR TAKING AFFIDAVITS

GERARDUS YSAAK WILFRED HEDDEMA, a Commissioner, etc., Province of Ontario, while a Student-at-Law. Expires September 8, 1992.

Revenue Canada Customs and Excise / Douanes et Accise — Canada

NOTICE OF DETENTION/DETERMINATION
AVIS DE RETENUE OU DE CLASSEMENT TARIFAIRE

9956

Importer / Importateur

Glad Day Bookshop
598A Yonge St
Toronto Ontario
M4Y 1Z3

Regional Control No. / N° de contrôle régional	3730-2/64T 2175
Point of Entry / Bureau d'entrée	Int'l mail
Point of Entry Control No. / N° de contrôle du bureau d'entrée	CO 1805
Date	Oct 4, 1989

PART A — NOTICE OF DETENTION

The following goods have been detained for a determination of tariff classification. Once a determination has been made, you will be notified in writing.

PARTIE A — AVIS DE RETENUE

Les marchandises désignées ci-après ont été retenues aux fins du classement tarifaire. Nous vous aviserons par écrit du classement effectué.

Description of goods / Désignation des marchandises

20 Books- Surfer Sex —
20 Books- Cream Vol. 7 —
15 Books- Sex Stop Vol. 3 —
3 Books- Hot Tricks Vol. 5 —

Exporter / Exportateur

Bookpeople 2929 Fifth St Berkeley CA 94710

PART B — NOTICE OF DETERMINATION

The following goods have been examined and their importation into Canada is prohibited under the provisions of s. 114 of the Customs Tariff and code 9956 of Schedule VII.

SURFER SEX, CREAM VOL. #7, SEX STOP VOL. #3, HOT TRICKS VOL #5. (ALL PROHIBITED)

This represents a determination pursuant to section 58 of the Customs Act. Your rights respecting this determination are set out on the reverse of this form.

M. Musgrave — Customs Officer / Agent des douanes

Comm. Spec. — Title / Titre

Oct 16/89 — Date of Determination / Date du classement

PARTIE B — AVIS DE CLASSEMENT TARIFAIRE

Après examen des marchandises désignées ci-après, il a été établi que leur importation au Canada est prohibée en vertu de l'article 114 du Tarif des douanes et du code 9956 de l'annexe VII.

Cette décision constitue un classement aux termes de l'article 58 de la Loi sur les douanes. Vos droits concernant ce classement sont énoncés au verso de la présente formule.

The following goods have been examined and their importation into Canada is admissible.

Après examen, il a été établi que les marchandises désignées ci-après sont admissibles au Canada.

Please contact Canada Customs at the point of entry to make arrangements for the payment of duties on the admissible goods.

Veuillez communiquer avec les douanes canadiennes au bureau d'entrée afin de prendre des arrangements pour le paiement des droits.

Film	Type / Genre	Length / Longueur	Videotape / Ruban magnétoscopique	Format	Time / Durée
		mm			

SECTION 1

9956

- [X] Book / Livre
- [ ] Magazine / Magazine
- [ ] Comic / Bande dessinée
- [ ] Record / Disque
- [ ] Audiotape / Bande auditive
- [ ] Playing Cards / Jeu de cartes
- [ ] Advertisement / Publicité
- [ ] Photograph / Photographie
- [ ] Booklet / Livret
- [ ] Brochure / Dépliant
- [ ] Other / Autre

Mode of Transport / Mode de transport: Mail

Were goods declared? / Les marchandises ont-elles été déclarées? [X] Yes / Oui [ ] No / Non

If not declared, mode of concealment / Si non déclarées, mode de dissimulation

SECTION 2

Classification (Memorandum D9-1-1)

- [ ] a) Sex With Violence / Violence sexuelle
- [ ] b) Child Sex / Pornographie enfantine
- [ ] c) Incest / Inceste
- [ ] d) Bestiality / Bestialité
- [ ] e) Necrophilia / Nécrophilie
- [ ] f) Hate Propaganda / Propagande haineuse
- [✓] g) Anal Penetration / Pénétration anale
- [✓] h) Other / Autre: DEGRADATION

Title / Titre — Quantity / Quantité

Date of Appeal / Date d'appel — Date sent to H.Q. / Date envoyé à l'A.C. — Disposition

Continuation Sheet / Feuille supplémentaire [ ] Yes / Oui [ ] No / Non

Commodity Specialist
P.O. Box 10, Station "A"
Toronto, Ontario
M5W 1A3

FILE NO. 3730-2/64T 2175 DATED: Oct. 16/89.

Tariff code 9956 covers "Books, printed paper, drawing, paintings, prints, photographs or representations of any kind that

(a) are deemed to be obscene under subsection 159 (8) of the Criminal Code:

(b) constitute hate propaganda within the meaning of subsection 281.3(8) of the Criminal Code:

(c) are of a treasonable character within the meaning of section 46 of the Criminal Code: or

(d) are of a seditious character within the meaning of sections 60 and 61 of the Criminal Code".

The goods have been examined and their importation into Canada is prohibited under the provisions of section 114 of the Customs Tariff and code 9956 of Schedule VII.

PLEASE READ THE BACK OF YOUR NOTICE OF DETENTION/DETERMINATION (FORM K27) FOR YOUR OPTIONS. INDICATE YOUR DECISION BELOW AND RETURN THIS FORM TO THE ADDRESS INDICATED ABOVE.

(1) ☐ ABANDON GOODS TO THE CROWN FOR SUBSEQUENT DESTRUCTION

(2) ☐ APPEAL THE DETERMINATION PURSUANT TO SECTION 60 OF THE CUSTOMS ACT ON FORM B2 WITHIN 90 DAYS OF THE DATE OF THE WRITTEN NOTICE.FORMS OBTAINABLE AT ANY CUSTOMS OFFICE.

(3) ☐ EXPORT GOODS FROM CANADA UNDER CUSTOMS SUPERVISION AND AT IMPORTER'S EXPENSE.

IF BLOCK (2) IS CHECKED | Appeals on Form B2 fully completed and signed, should be directed to:

Revenue Canada Customs & Excise
P.O. Box 10, Station "A"
Toronto, Ontario
M5W 1A3
ATTN: TPA Unit E Rulings & Appeals

IF BLOCK (3) IS CHECKED | Goods may be exported by any means other than through the mails, providing this is done under Customs supervision and at importers expense. Since Canada Post prohibits the use of the mailing system for Obscene Matter you must make arrangements with a Canada Customs Bonded Carrier to export the goods from Canada.

When arrangements have been made by you, please contact the following Point of Entry:

International Mail, Arsenals,
1400 Lakeshore Rd. E.
Mississauga, Ontario
L5E 1E9

Telephone: 278-6711
Tel. No. 973-8140

M. Thompson CS

For C.P.A. Bodanis
HEAD PROHIBITED IMPORTATIONS UNIT.

Revenue Canada Customs and Excise | Revenu Canada Douanes et Accise

Canada

NOTICE OF DETENTION/DETERMINATION
AVIS DE RETENUE OU DE CLASSEMENT TARIFAIRE

9956

Importer/Importateur

GLAD DAY BOOKSHOP
598 A Yonge St.
TORONTO, ONT
M4Y 1Z3

Regional Control No. / N° de contrôle régional	
Point of Entry / Bureau d'entrée	410 FORT ERIE
Point of Entry Control No. / N° de contrôle du bureau d'entrée	FE-017
Date	AUGUST 10, 1989

PART A — NOTICE OF DETENTION

The following goods have been detained for a determination of tariff classification. Once a determination has been made, you will be notified in writing.

PARTIE A — AVIS DE RETENUE

Les marchandises désignées ci-après ont été retenues aux fins du classement tarifaire. Nous vous aviserons par écrit du classement effectué.

Description of goods/Désignation des marchandises

2 boxes containing 103 books. Titles as per attached listing.

Exporter/Exportateur

INLAND Book Co., 254 Bradley St. East Haven, CT., 06512

DEPARTMENT OF NATIONAL REVENUE — CUSTOMS AND EXCISE

MINISTÈRE DU REVENU NATIONAL — DOUANES ET ACCISE

1 — CONSIGNEE/CONSIGNATAIRE

This is Exhibit P *referred to in the affidavit of* Jerald Moldenhauer *sworn before me, this* 25th *day of* October *19*89

A COMMISSIONER FOR TAKING AFFIDAVITS

GERARDUS YSAAK WILFRED HEDDEMA,
a Commissioner, etc., Province of Ontario,
while a Student-at-Law.
Expires September 8, 1992.

Titles	Quantity
Fag Rag	6 each
Meat	10 each
Hot Tricks	10 each
Humongous	5 each
Meatmen Volume 5	25 each
10½ Inches	10 each
When I Was 18	20 each
The Boys in Blue	5 each
Greek Ways	2 each
And Still More Meatmen Volume 3	10 each

CANADA CUSTOMS DOUANES FORT ERIE, ONT. AUG 10 '89 INSPECTOR INSPECTEUR 247

In Ottawa for ruling
spoke with Killis in late August
no determination

Court File No.

IN THE **FEDERAL COURT OF CANADA**

IN THE TRIAL DIVISION

B E T W E E N:

GLAD DAY BOOKSHOP INC. and
JEARLD MOLDENHAUER

Applicants

- and -

HER MAJESTY THE QUEEN,
MINISTER of NATIONAL REVENUE and
DEPUTY MINISTER of NATIONAL REVENUE
for CUSTOMS and EXCISE

Respondents

MOTION RECORD

ILER, CAMPBELL AND ASSOCIATES
Barristers and Solicitors
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CHARLES CAMPBELL
Solicitor for the Applicants